



AMNESTY ACCESSORY DWELLING UNIT PERMIT APPLICATION

City of Sausalito | Community Development Department
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WHAT IS AN AMNESTY PROGRAM FOR UNPERMITTED ACCESSORY DWELLING UNITS (ADUS)?

Accessory Dwelling Units (ADU) are small units accessory to a primary dwelling unit that have exterior access and kitchen and bathroom facilities. A primary dwelling unit is the unit which the accessory dwelling unit is incorporated in, and, accessory to. ADUs are also known as in-law or mother-in-law units, secondary dwelling units, granny flats or carriage houses.

An Amnesty ADU Permit is required to legalize an existing unpermitted ADU. An ADU amnesty period will run from March 31, 2019 through March 31, 2020, during which time property owners of existing unpermitted ADUs may apply for reprieve and legalization of the unit. During this period the permit fee for amnesty will be reduced.

If the existing unit is not legalized or removed during the amnesty period, the City may begin code enforcement action against the property owner after the conclusion of the amnesty period to either bring the unpermitted unit into conformance with the ADU regulations or remove the illegal unit. In such cases, the illegal unit may be subject to the applicable penalty fees.

The information in this packet summarized the amnesty ADU regulations in the Sausalito Municipal Code (SMC). To review the full set of regulations related to ADUs, please refer SMC Section 10.44.080 at <https://www.codepublishing.com/CA/Sausalito/>.

THE AMNESTY ADU PERMIT PROCESS OVERVIEW

Amnesty for an existing unpermitted ADU may be reviewed at the ministerial (staff level) if certain criteria are met.

Step 1: Meet with a Planner. A planner is available Monday through Thursday from 8:00am-4:30pm and on Fridays from 8:00am-noon. The planner will review the amnesty requirements. **Questions will be confidential and anonymous.**

Step 2: Prepare plans and application materials. The plans do not need to be drawn by an architect, but must be neat and to scale. Use the Application Submittal Checklist on page 2 of this form to ensure that the application is complete.

Step 3: Submit your application and plans. Staff will review your application and let you know if you are missing any materials. Complete applications must be received by **March 31, 2020** in order to be considered for amnesty. You should plan for approximately 30 days for the initial review. A decision will be made within 120 days of submitting your application.

Step 4: Inspection. Schedule an Accessory Dwelling Unit Housing Inspection with the Building Division and Fire Department. If corrections (i.e., for health and safety) are required, you must apply for a Building Permit to make the corrections.

Step 5: Permit issuance. If the ADU meets all of the staff-level requirements, Staff may issue an Amnesty ADU permit.

It's in the property owner's best interest to take advantage of the amnesty program while it is offered.

SECTION 1 – APPLICATION SUBMITTAL CHECKLIST

Item	Description	Check If Submitted
Application Form	Completed Amnesty ADU Permit Application Form with all required signatures	
Fees	<input type="checkbox"/> \$400 for Amnesty ADU Permit <input type="checkbox"/> \$35 for Plan Retention	
Plans	Three (3) sets of 24"x36" plans and one (1) set of reduced 8 1/2"x11" plans which include all of the following: <ul style="list-style-type: none"> • <i>Site plan:</i> at 1/8" scale showing all property lines, location of all units and the amnesty ADU, and locations and dimensions of parking spaces. Site plan must indicate the size of each unit. • <i>Floor plans:</i> Accurately scaled and dimensioned at 1/4" scale for ADU. Floor plans must indicate location of all bedrooms, living areas, kitchens, bathrooms, entrances, and any connection between the primary dwelling unit and the ADU. • <i>Elevations:</i> Accurately scaled architectural elevations at 1/4" scale, depicting exterior elements, windows, doors and decks, all colors and materials, and height from average natural grade. Indicate the location of the ADU. 	
Evidence of Date Established	At least two forms of evidence that the unit was created prior to January 1, 2012. Acceptable forms of evidence include, but are not limited to: <ul style="list-style-type: none"> • Assessor's records • Rental contracts and/or receipts; • Income tax records; • Utility bills; • Contractor's bills; and/or • Written affidavits from former owners, tenants, or neighbors, signed and notarized under penalty of perjury 	
Electronic Copies	Provide electronic copies of all application materials.	

SECTION 2 – CONTACT INFORMATION

Property Owner Name	
Property Owner Address	
Property Owner Telephone	
Property Owner Email	
Applicant Name (Primary Project Contact)	
Applicant Address	
Applicant Telephone	
Applicant Email	

SECTION 3 – AMNESTY ADU & PRIMARY DWELLING UNIT INFORMATION

Primary Dwelling Unit Address	
Proposed ADU Address	
Assessor's Parcel Number (APN)	
Does the Amnesty ADU currently have a mailing address, or did the Amnesty ADU have a mailing address in the past?	
Was the Amnesty ADU included in a prior Census (i.e. did someone fill out a Census form for the unit?)	

SECTION 4 – SUMMARY OF AMNESTY ADU REGULATIONS FROM SMC 10.40.080

Please initial to acknowledge you have read the Amnesty ADU Regulations and your project complies or will comply.

ADU Regulation	Description	Applicant Initial
Location	ADUs are only allowed in single-family residential (R-1-20, R-1-8, R-1-6), two-family residential (R-2-5, R-2-2.5), multiple-family residential (R-3), planned residential (PR), houseboats (H) and arks (A) zoning districts.	
Density	No more than one ADU is allowed on a primary dwelling unit parcel, and the parcel must contain at least one existing or proposed dwelling. The primary dwelling unit parcel is a single parcel on which the primary dwelling unit is situated.	
Access	An accessory dwelling unit shall have a separate entrance.	
Kitchen and Bathroom Facilities	An ADU shall contain its own kitchen facility and bathroom facility separate from the primary dwelling unit. The kitchen facility must include the following features: (a) a sink; (b) a refrigerator of more than five cubic feet capacity; and (c) a range or cooktop.	
Date Established	The existing ADU proposed for legalization must have been constructed or established prior to January 1, 2012.	
Safety Inspections	Satisfactory completion of an ADU Housing Inspection by a Building Division Inspector and a Fire District Inspector is required. Any improvements necessary to meet minimum standards as established by the building or fire codes must be made.	
Floor Area	The floor area of the amnesty ADU must be documented by the Community Development Department but is not counted in determining if the unit is eligible for amnesty. The floor area of the amnesty ADU will be counted for future development of the parcel.	
Parking	Existing parking must be documented by the Community Development Department but is not counted in determining if the unit is eligible for amnesty. Any existing parking must be retained for the exclusive use of the ADU. If the existing parking does not comply with the ADU regulations for new units, the parking will be considered to be legal non-conforming.	
Building Coverage and Impervious Surfaces	The building coverage and impervious surfaces of the amnesty ADU must be documented by the Community Development Department but is not counted in determining if the unit is eligible for amnesty. The building coverage and impervious surfaces of the amnesty ADU will be counted for future development of the property.	
Setbacks	The setbacks of the amnesty ADU must be documented by the Community Development Department but is not counted in determining if the unit is eligible for amnesty.	
Owner Restrictions	For single-family districts (R-1-6, -8, -20), the owner of the property must occupy either the primary unit or ADU; owner may be absent for up to 1 year during any 3 year period, except as allowed by the Zoning Administrator. Prior to Building Permit issuance a deed restriction shall be recorded to ensure that the primary unit or ADU is owner-occupied.	
Non-Conformities	If the amnesty ADU violates any provisions of the Municipal Code it will be deemed a legal nonconforming structure upon issuance of an Amnesty ADU Permit, and will be subject to SMC Chapter 10.62 (Nonconformity Use and Structures).	
Effect of Conversion/ Reversion	Elimination of the required separate entrance, kitchen, or bathroom facilities will require the property owner to demonstrate compliance of the main residence with all applicable development standards in the Zoning Ordinance.	

SECTION 5 – COMPLIANCE WITH DEVELOPMENT STANDARDS

TO BE COMPLETED BY APPLICANT				STAFF USE ONLY	
SITE DEVELOPMENT STANDARD	EXISTING (NOT INCLUDING ADU)	AMENSTY ADU	PARCEL TOTAL	MUNICIPAL CODE	COMPLIANCE ?
Land Use ¹					
No. of Dwelling Units ²					
No. of ADUs					
No. of Junior Accessory Dwelling Units					
Building Height ³					
No. of Parking Spaces ³					
Parcel Area					
Gross ⁴	sq. ft.	sq. ft.	sq. ft.	sq. ft.	
Net ⁵	sq. ft.	sq. ft.	sq. ft.	sq. ft.	
ADU Setbacks ⁶					
Front	ft.	ft.	ft.	ft.	
Rear	ft.	ft.	ft.	ft.	
Right Side ⁷	ft.	ft.	ft.	ft.	
Left Side ⁸	ft.	ft.	ft.	ft.	
Floor Area ⁸					
Square Footage	sq. ft.	sq. ft.	sq. ft.	sq. ft.	
Perc. of <i>Net Parcel Area</i>	%	%	%	%	
Building Coverage ⁹					
Square Footage	sq. ft.	sq. ft.	sq. ft.	sq. ft.	
Perc. of <i>Gross Parcel Area</i>	%	%	%	%	
Impervious Surface Area ⁹					
Square Footage	sq. ft.	sq. ft.	sq. ft.	sq. ft.	
Perc. of <i>Gross Parcel Area</i>	%	%	%	%	

¹ From List of Allowable Land Uses in respective Zone (SMC 10.20.030 (O-/P-), 10.22.030 (R-), 10.24.030 (C-) or 10.26.020 (M-))

² Dwellings legally established from the zoning district's maximum density requirement; not including accessory dwelling units or junior accessory dwelling units

³ The standard dimensions for a code-compliant parking space are measured 9 feet wide by 19 feet long

⁴ Total area of a parcel measured in a horizontal plane within the lot lines bounding the parcel.

⁵ Gross Parcel Area excluding net deductions specified in SMC 10.88.040 "Parcel size, net"

⁶ As specified in SMC 10.40.070 (Setbacks and yards)

⁷ As determined by standing at the front parcel line looking in the direction of the rear parcel line

⁸ As specified in SMC 10.40.040 (Floor area ratio); 10.40.050.B (Measurement of Coverage); 10.40.050.C (...Impervious Surfaces)

SECTION 6 - STATEMENT OF PROPERTY OWNERSHIP AND ACKNOWLEDGEMENT & CERTIFICATION OF APPLICATION

Property Owned by Individual(s)

I, _____, hereby state under penalty of perjury under the laws of the State of California that I am the record owner of the above-described subject property. I authorize the applicant designated in this application to act as my representative during consideration of this project by the City. I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. I shall defend, indemnify (including reimbursement of all fees and costs reasonably incurred by separate counsel retained by the City) and hold harmless the City and its elected and appointed officials, officers, agents and employees, from and against any and all liability, loss, damage, or expense, including without limitation reasonable attorney's fees which City may suffer or incur as a result of any claims relating to or arising from the City's approval of the project or any portion of the project. I furthermore acknowledge that if the Accessory Dwelling Unit Permit is approved and the subject property is located in an R-1-20, R-1-8 or R-1-6 Zoning District I must occupy either the primary unit or accessory dwelling unit as my primary residence. I understand that the contents of this document are a Public Record.

Signature of Owner _____ Date _____

Property Owned by a Trust, LLC, Corporation, Partnership, or Other Entity

For a property owned by a trust, please attach the trust document or a certificate of trust, including any attachments thereto. For an LLC, corporation, partnership, or other entity, please attach proof of ownership and certification of the signer's authorization to enter into contracts on behalf of the entity.

I/We, _____, hereby state under penalty of perjury under the laws of the State of California that the above-described subject property is owned by a trust, LLC, corporation, partnership, or other entity and that my/our signature/s on this application has/have been authorized by all necessary action required by the LLC, corporation, partnership, or other entity. I/We agree to be responsible for all costs incurred in connection with the processing of my/our application and appeals, if any. I/We shall defend, indemnify (including reimbursement of all fees and costs reasonably incurred by separate counsel retained by the City) and hold harmless the City and its elected and appointed officials, officers, agents and employees, from and against any and all liability, loss, damage, or expense, including without limitation reasonable attorney's fees which City may suffer or incur as a result of any claims relating to or arising from the City's approval of the project or any portion of the project. I/We authorize the applicant designated in this application to act as my/our representative during consideration of this project by the City. I/We furthermore acknowledge that if the Accessory Dwelling Unit Permit is approved and the subject property is located in an R-1-20, R-1-8 or R-1-6 Zoning District I/We must occupy either the primary unit or accessory dwelling unit as my/our primary residence. I/We understand that the contents of this document are a Public Record.

Signature _____
Date _____
Title _____

Signature _____
Date _____
Title _____

☐ Trustee(s) ☐ Partners: ☐ Limited or ☐ General ☐ Corporation ☐ Other

Name of trust, LLC, corporation, or other entity: _____

Applicant Signature

I, _____, hereby make application for approval of the accessory dwelling unit permit requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the accessory dwelling unit to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief. I understand that the contents of this document are a Public Record.

Signature of Applicant _____ Date _____

SECTION 7 – FOR COMPLETION BY CITY STAFF ONLY

Date Received (MM-DD-YY)	
Received By	
Fee	
Receipt Number	
Project Number	
Zoning District	
Type Of ADU	

Permit Decision	<input type="checkbox"/> Approval <input type="checkbox"/> Denial
Decision Date (MM-DD-YY)	
Printed Name	
Title	
Signature	

SECTION 8 – Advisory Notes

1. In single-family residential (R-1-20, R-1-8, R-1-6) zoning districts the owner of the property shall occupy either the primary unit or accessory dwelling unit as his or her primary residence. Prior to Building Permit issuance a deed restriction shall be recorded, in a form approved by the City Attorney, to ensure that the primary or accessory dwelling unit is owner-occupied. An owner may be absent from the primary or accessory dwelling unit for up to 12 months during any 36-month period. A property owner who will be absent for more than 12 months may obtain an additional 12 months' absence with the approval of a minor use permit by the Zoning Administrator. In consideration of the minor use permit, the Zoning Administrator may consider the neighborhood impacts such as parking, noise, and property maintenance, in addition to the reason for the requested absence.
2. If corrections were required by the Building Division or Fire Department Inspections, the property owner shall apply for a building permit to make the corrections.
3. The applicant shall contact the Marin Municipal Water District and the Sausalito Marin City Sanitary District for additional permitting requirements.
4. For any amnesty accessory dwelling unit, elimination of any of the required access and facilities elements (i.e., the separate entrance, kitchen, bathroom facilities) shall require the property owner to demonstrate compliance of the main residence with all applicable development standards in the Zoning Ordinance (taking into account any pre-existing legal non-conformities).